IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Bail Appl..No. 5623 of 2007()

CRIME NO.344/2007 OF BALUSSERY POLICE STATION

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PETITIONERS/ACCUSED NOS.1 AND 4

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1. VISWANATHAN S/0 CHERIYEKKAN,39/07,
   PUTHIYOTH HOUSE,KOTTUR AMSOM,PALOLID DESOM,
   KOZHIKODE DISTRICT.

2. NARENDRAN,S/O. KUNHIRAMAN. HIGH SCHOOL
   ASSISTANT, PAVANDUR HIGHER SECONDARY SCHOL, KAKKUR
   KOZHIKODE DISTRICT 44/07, "HARITHAKAM', KOORIKANDI
   HOUSE, KOTTUR AMSOM,.THIRUVODE DESOM,
   NADAVANNUR-VIA, KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY ITS
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM, KOCHI-31.

2. THE SUB INSPECTOR OF POLICE,
   BALUSSERY POLICE STATION, KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Bail Application No. 5623 of 2007

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Dated this the 14th day of September, 2007

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure. The petitioners are accused Nos.1 and 4 in Crime No.344/2007 of the Balussery Police Station with respect to the offences under Sections 143, 147, 452, 379, 472 read with Section 149 of the Indian Penal Code.

2. It is submitted by the counsel for the petitioners that the first petitioner is a respected social worker and the second petitioner is a high school teacher and his wife is also a high school teacher and that they are innocent of the alleged offences. The counsel has also handed over the order of the Sessions Court in Crl.M.C.Nos.903/2007 and 912/2007 dated 11/09/2007 as per which three other accused have been granted anticipatory bail. The petitioners are in custody from 06/09/2007 onwards.

3. The crime case is that the accused 1 to 3, named therein and certain identifiable persons demolished portion of a building with the intention to see that the remaining portions of the building wherein Classic Steel Shop and Krishna Tea Stall are being

conducted is got vacated and the entire property put to use for some other purpose. The property destroyed is mentioned as 1.5 H.P motor valued at Rs.3,000/- and a Syntex Tank valued at Rs.2,000/-.

4. The Public Prosecutor has strongly opposed the application pointing out that the rest of the accused have to be identified and arrested.

5. In view of the fact that some of the probable accused have been granted anticipatory bail and the extent of damages mentioned is only Rs.5,000/- and the accused is in custody since 06/09/2007, I find that the accused/petitioners are to be granted bail.

In the circumstances, it is hereby ordered that the petitioners shall be released on bail on each of them executing bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the Judicial Magistrate of the First Class-II, Perambra, and on condition that they shall report before the investigating officer on every Saturday at 10 a.m until the final report is filed.

The bail application is allowed as above.

K.R.UDAYABHANU,
Judge

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